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STAT

# Customs Service still opens mail

Denver (AP)—The Central Intelligence Agency may have stopped opening first-class mail entering the United States but not the Customs Service—even though a court order prohibits the practice.

While a government appeal of the ruling is before the Supreme Court, the Customs Service is continuing to open an average of 400 first-class letters a day in Los Angeles.

Earlier this year, the Justice Department acknowledged that a billion pieces of mail are opened annually by the service.

A customs official said similar mail openings without a warrant continue at such ports as San Francisco and New York.

David Arnon, a Customs Service official in Los Angeles, cited a 1971 ruling by the 10th United States Circuit Court of Appeals in Denver which he said permits opening of such mail without permission.

In a more recent ruling, however, a federal appeals court in Washington said the service can't open overseas mail without a court order.

Justice Department attorneys appealed that ruling to the Supreme Court this spring, saying customs officials open more than a billion pieces of first-class mail, packages and other mail annually.

They said that 23 million envelopes from selected countries are set aside and about 270,000 are opened, most of them first-class mail. Of those opened, federal attorneys argued, one in six contains contraband.

The Supreme Court is expected to rule on the question before its term ends in late June. The appeal stems from the case of two Washington men who had allegedly mailed letters from Thailand to several U.S. addresses. Customs

agents in New York found some which allegedly contained heroin.

Last month the Postal Service invited public comment on proposals defining when it is permissible to detain or open mail.

To date, Washington authorities said, they have received only nine responses—from two private citizens, the federal Justice and Agriculture departments and the states of North Carolina, Pennsylvania, Vermont, Wisconsin and Alabama.

A Postal Service official in Washington said the Customs Service has been permitted to seize and open mail from foreign points only since 1971.

Mr. Arnon said Customs Service regulations prohibit the reading of opened letters, adding that many recipients of first-class mail stamped "opened by U.S. customs for tariff purposes only" have protested to their congressmen.

But he defended the practice, citing the opening of 200 letters earlier this month from a South American country—each of which allegedly contained a gram of cocaine.